

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GORDON R. OSBORN, D.D.S.,

Plaintiff,

v.

THE PAUL REVERE LIFE INSURANCE
COMPANY,

Defendant.

) Case No.: 1:21-CV-00842-JLT

) SCHEDULING ORDER¹ (Fed. R. Civ. P. 16)

) Discovery Deadlines:

) Initial Disclosures: 8/23/2021

) Non-Expert: 3/25/2022

) Expert: 6/6/2022

) Mid-Discovery Status Conference:

) January 19, 2022 at 8:30 a.m.

) Non-Dispositive Motion Deadlines:

) Filing: 6/21/2022

) Hearing: 7/18/2022

) Dispositive Motion Deadlines:

) Filing: 8/1/2022

) Hearing: 9/12/2022

) Pre-Trial Conference:

) 10/28/2022 at 10:00 a.m.

) 510 19th Street, Bakersfield, CA

) Trial: 12/19/2022 at 8:30 a.m.

) 510 19th Street, Bakersfield, CA

) Jury trial: 10 days

¹ The Court finds the information provided in the Joint Scheduling Report and Scheduling Conference Worksheet (Doc. 9) is sufficient to schedule the matter without a hearing. Thus, the scheduling conference set for August 23, 2021 is VACATED.

1 **I. Discovery Plan and Cut-Off Date**

2 The parties are ordered to exchange the initial disclosures required by Fed. R. Civ. P. 26(a)(1)
3 on or before **August 23, 2021**.

4 The parties are ordered to complete all discovery pertaining to non-experts on or before **March**
5 **25, 2022**, and all discovery pertaining to experts on or before **June 6, 2022**.

6 The parties are directed to disclose all expert witnesses, in writing, on or **April 8, 2022**, and to
7 disclose all rebuttal experts on or before **May 6, 2022**. The written designation of retained and non-
8 retained experts shall **be made pursuant to Fed. R. Civ. P. Rule 26(a)(2), (A), (B), and (C) and shall**
9 **include all information required thereunder**. Failure to designate experts in compliance with this
10 order may result in the Court excluding the testimony or other evidence offered through such experts
11 that are not disclosed pursuant to this order.

12 The provisions of Fed. R. Civ. P. 26(b)(4) and (5) shall apply to all discovery relating to experts
13 and their opinions. Experts must be fully prepared to be examined on all subjects and opinions
14 included in the designation. Failure to comply will result in the imposition of sanctions, which may
15 include striking the expert designation and preclusion of expert testimony.

16 The provisions of Fed. R. Civ. P. 26(e) regarding a party's duty to timely supplement
17 disclosures and responses to discovery requests will be strictly enforced.

18 A mid-discovery status conference is scheduled for **January 19, 2022** at 8:30 a.m. before Judge
19 Thurston at 510 19th Street, Bakersfield, California. Counsel SHALL file a joint mid-discovery status
20 conference report one week before the conference. Counsel also SHALL lodge the status report via e-
21 mail to JLTorders@caed.uscourts.gov. The joint statement SHALL outline the discovery counsel have
22 completed and that which needs to be completed as well as any impediments to completing the
23 discovery within the deadlines set forth in this order. Counsel SHALL discuss settlement and certify
24 that they have done so. Counsel may appear via teleconference by dialing (888) 557-8511 and entering
25 Access Code 1652736, provided the Magistrate Judge's Courtroom Deputy Clerk receives a written
26 notice of the intent to appear telephonically no later than five court days before the noticed hearing
27 date.

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1 **II. Pre-Trial Motion Schedule**

2 All non-dispositive pre-trial motions, including any discovery motions, shall be filed no later
3 than **June 21, 2022²**, and heard on or before **July 18, 2022**. The Court hears non-dispositive motions at
4 9:00 a.m. at the United States District Courthouse in Bakersfield, California.

5 **No motion to amend or stipulation to amend the case schedule will be entertained unless it**
6 **is filed at least one week before the first deadline the parties wish to extend.** Likewise, no written
7 discovery motions shall be filed without the prior approval of the assigned Magistrate Judge. A party
8 with a discovery dispute must first confer with the opposing party in a good faith effort to resolve by
9 agreement the issues in dispute. If that good faith effort is unsuccessful, the moving party promptly
10 shall seek a telephonic hearing with all involved parties and the Magistrate Judge. It shall be the
11 obligation of the moving party to arrange and originate the conference call to the court. To schedule
12 this telephonic hearing, the parties are ordered to contact the Courtroom Deputy Clerk, Susan Hall, at
13 (661) 326-6620 or via email at SHall@caed.uscourts.gov. At least three days before the conference,
14 counsel SHALL file informal letter briefs detailing their positions. The briefs may not exceed 7 pages,
15 excluding exhibits. **Counsel must comply with Local Rule 251 with respect to discovery disputes or**
16 **the motion will be denied without prejudice and dropped from the Court's calendar.**

17 All dispositive pre-trial motions shall be filed no later than **August 1, 2022**, and heard no later
18 than **September 12, 2022**, before the Honorable Jennifer L. Thurston, United States Magistrate Judge,
19 at the United States District Courthouse in Bakersfield, California. In scheduling such motions,
20 **counsel shall comply with Fed. R. Civ. P. 56 and Local Rules 230 and 260.**

21 **III. Motions for Summary Judgment or Summary Adjudication**

22 **At least 21 days before** filing a motion for summary judgment or motion for summary
23 adjudication, the parties are **ORDERED** to meet, in person or by telephone, to confer about the issues
24 to be raised in the motion.

25 The purpose of the meeting shall be to: 1) avoid filing motions for summary judgment where a
26 question of fact exists; 2) determine whether the respondent agrees that the motion has merit in whole
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28 ² Non-dispositive motions related to non-expert discovery SHALL be filed within a reasonable time of
discovery of the dispute but not later than 30 days after the expiration of the non-expert discovery deadline.

1 or in part; 3) discuss whether issues can be resolved without the necessity of briefing; 4) narrow the
2 issues for review by the court; 5) explore the possibility of settlement before the parties incur the
3 expense of briefing a motion; and 6) to develop a joint statement of undisputed facts.

4 The moving party **SHALL** initiate the meeting and **SHALL** provide a complete, proposed
5 statement of undisputed facts **at least five days before** the conference. The finalized joint statement of
6 undisputed facts **SHALL** include all facts that the parties agree, for purposes of the motion, may be
7 deemed true. In addition to the requirements of Local Rule 260, the moving party shall file the joint
8 statement of undisputed facts.

9 In the notice of motion the moving party **SHALL** certify that the parties have met and conferred
10 as ordered above, or set forth a statement of good cause for the failure to meet and confer. **Failure to**
11 **comply may result in the motion being stricken.**

12 **IV. Pre-Trial Conference**

13 **October 28, 2022**, at 10:00 a.m., located at the United States District Courthouse in
14 Bakersfield, California, before the Honorable Jennifer L. Thurston, United States Magistrate Judge.

15 The parties are ordered to file a **Joint Pretrial Statement pursuant to Local Rule 281(a)(2).**
16 The parties are further directed to submit a digital copy of their pretrial statement in Word format,
17 directly to Judge Thurston's chambers, by email at JLTorders@caed.uscourts.gov.

18 Counsels' attention is directed to **Rules 281 and 282 of the Local Rules** of Practice for the
19 Eastern District of California, as to the obligations of counsel in preparing for the pre-trial conference.
20 The Court will insist upon strict compliance with those rules. In addition to the matters set forth in the
21 Local Rules the Joint Pretrial Statement shall include a Joint Statement of the case to be used by the
22 Court to explain the nature of the case to the jury during voir dire.

23 **V. Trial Date**

24 **December 19, 2022**, at 8:30 a.m. at the United States District Courthouse in Bakersfield,
25 California, before the Honorable Jennifer L. Thurston, United States Magistrate Judge.

26 A. This is a jury trial.

27 B. Counsels' Estimate of Trial Time: 10 days.

28 C. Counsels' attention is directed to Local Rules of Practice for the Eastern District of

California, Rule 285.

VI. Settlement Conference

If the parties desire a conference with the Court, they may file a joint written request for a settlement conference. Alternatively, the parties may file a joint written request for referral to the Court's Voluntary Dispute Resolution Program.

VII. Request for Bifurcation, Appointment of Special Master, or other Techniques to Shorten Trial

Not applicable at this time.

VIII. Related Matters Pending

There are no pending related matters.

IX. Compliance with Federal Procedure

All counsel are expected to familiarize themselves with the Federal Rules of Civil Procedure and the Local Rules of Practice of the Eastern District of California, and to keep abreast of any amendments thereto. The Court must insist upon compliance with these Rules to efficiently handle its increasing case load, and sanctions will be imposed for failure to follow both the Federal Rules of Civil Procedure and the Local Rules of Practice for the Eastern District of California.

X. Effect of this Order

The foregoing order represents the best estimate of the court and counsel as to the agenda most suitable to dispose of this case. The trial date reserved is specifically reserved for this case. If the parties determine at any time that the schedule outlined in this order cannot be met, counsel are ordered to notify the court immediately of that fact so that adjustments may be made, either by stipulation or by subsequent status conference.

The dates set in this order are firm and will not be modified absent a showing of good cause even if the request to modify is made by stipulation. Stipulations extending the deadlines contained herein will not be considered unless they are accompanied by affidavits or declarations, and where appropriate attached exhibits, which establish good cause for granting the relief requested.

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1 Failure to comply with this order may result in the imposition of sanctions.

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3 IT IS SO ORDERED.

4 Dated: August 18, 2021

/s/ Jennifer L. Thurston
5 CHIEF UNITED STATES MAGISTRATE JUDGE
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